

**Department of Consumer Affairs
Respiratory Care Board of California**

**PROPOSED REGULATORY LANGUAGE
ORDER OF ADOPTION**

Amend section 1399.301 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.301. Location of Office.

The principal office of the Respiratory Care Board of California is located at ~~1426 Howe Avenue, Suite 48, Sacramento, CA 95825-3234.~~ 444 North 3rd Street, Suite 270, Sacramento, CA 95814.

Note: Authority cited: Section 3722, Business and Professions Code. Reference: Section 3722, Business and Professions Code.

Amend section 1399.321 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.321. Abandonment of Applications.

~~Each Applicant~~ shall have one year from the time ~~his or her~~ an initial application is received by the Board to meet licensure requirements and complete the application and initial licensure process. If the application and initial licensure process is not completed within the one-year period, the ~~applicant must re-submit documentation.~~ application shall be deemed abandoned.

Note: Authority cited: Section 3730, Business and Professions Code. Reference: Section 3732, 3733, 3735, 3735.3, 3735.5, 3740, Business and Professions Code.

Repeal section 1399.330 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

~~1399.330. Respiratory Care Curriculum Requirements.~~

~~On and after July 1, 2000, all applicants for licensure as a respiratory care practitioner shall meet the educational requirements specified in this section and section 1399.331 of these regulations. Instruction shall be based on a structured curriculum which clearly delineates the competencies to be developed and the methods by which they are to be achieved. The curriculum goals and standards shall be designed to provide students with the requisite knowledge, skills and behaviors to ensure practitioner competencies expected for licensed entry into respiratory care practice, as authorized by Business and Professions Code sections 3702, 1242, and 1245 and section 1276.8 of the Health and Safety Code. The instructional plan shall include the following:~~

~~(a) Not less than 42 semester units, or its equivalent, in science and respiratory care prerequisites and requisites in theory, laboratory and student clinical practice [see subsection (c)].~~

~~(b) The units, modules and/or courses of instruction shall include, but not be limited to, the following:~~

~~(1) Basic Sciences: cardiopulmonary anatomy and physiology, chemistry, computer science, human anatomy and physiology, mathematics, microbiology, pharmacology, physics and psychology.~~

~~(2) Clinical Sciences: cardiopulmonary diseases, general medical and surgical specialties, gerontology, medical terminology, pathology, pediatrics and perinatology as they relate to the study and practice of respiratory care.~~

~~(3) Respiratory Care Content Areas: aerosol therapy, airway management, assessment of patients' cardiopulmonary status, cardiopulmonary diagnostics and interpretation,~~

~~cardiopulmonary monitoring and interpretation, cardiopulmonary rehabilitation and home care, cardiopulmonary resuscitation, chest physiotherapy, ethics of respiratory care and medical care, gas therapy, general patient care, humidity therapy, hyperinflation therapy, mechanical ventilation management, oxygen therapy and pediatrics and perinatology, as they relate to the practice of respiratory care.~~

~~(c) The duration of student clinical practice shall be at least 800 hours, shall be based on an instructional plan, and shall offer clinical practice exercises and opportunities of sufficient volume and variety to ensure attainment of competencies prescribed by the structured curriculum.~~

~~(d) Student clinical practice shall meet or exceed the program and clinical facilities' standards for safe, competent and appropriate patient care and shall be commensurate with the types and levels of practice throughout the state and the United States.~~

~~Note: Authority cited: Sections 3722 and 3740, Business and Professions Code. Reference cited: Section 3740, Business and Professions Code.~~

Adopt section 1399.330 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.330. Education Waiver Criteria

(a) The board may waive the education requirements in section 3740 of the B&PC if an applicant for licensure

(1) Either successfully completed a minimum of a one-year respiratory care program supported by the Committee on Accreditation for Respiratory Care or its predecessor, prior to July 1, 2004 or previously held a license in good standing issued by the board and

(A) Holds a current valid license in good standing in another state, United States territory or Canadian province and has practiced respiratory care in that jurisdiction for a minimum of two years full time within the three years immediately preceding filing an application for licensure in this state; or

(B) Has practiced respiratory care in another state or United States territory, for a minimum of three years full time within the four years immediately preceding filing an application for licensure in this state, and that state or territory does not regulate the practice of respiratory care at the time the application for licensure is filed.

(2) Has not completed a respiratory care program described in subdivision (1) above but either

(A) Holds a current valid license in good standing in another state, United States territory or Canadian province and has competently practiced respiratory care in that state, United States territory or Canadian province for a minimum of four years full time within the five years immediately preceding filing an application for licensure in this state; or

(B) Has practiced respiratory care in another state or United States territory, for a minimum of five years full time within the six years, immediately preceding filing an application for licensure in this state, and that state or territory does not license the practice of respiratory care at the time the application for licensure is filed.

(b) As used in this section, "good standing" means the applicant

(1) is not currently under investigation;

(2) has not been charged with an offense for any act substantially related to the practice of respiratory care by any public agency;

(3) has not entered into any consent agreement or been subject to an administrative disciplinary decision including any voluntary surrender of license; or

(4) has not been the subject of an adverse judgment or arbitration award resulting from a claim or action for damages for death or personal injury caused by that person's negligence, error or omission in the practice of respiratory care.

(c) An applicant must provide sufficient documentary evidence to establish to the satisfaction of the board, that the applicant meets each requirement in the pathway under which the applicant is attempting to qualify. An applicant shall sign a release authorizing the board to obtain copies of personnel records or any other documentation that establishes the applicant's qualifications for a waiver of the educational requirements.

(d) This section shall not be construed to require the board to waive education requirements.

Note: Authority cited: Sections 3722 and 3740, Business and Professions Code. Reference cited: Section 3740, Business and Professions Code.

Repeal section 1399.331 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

~~1399.331. License Applicants – Education Requirements.~~

~~On and after July 1, 2000, all applicants for licensure as a respiratory care practitioner shall meet the following requirements:~~

~~Graduation Requirement: Completion of not less than 60 semester units, or its equivalent, of course credit in a selected curriculum, as specified in section 1399.330, and as required by an accredited institution and/or its accreditation system. Such requirement shall be designed to culminate in an Associate Degree.~~

~~(a) Scholarship Requirements:~~

~~(1) A grade-point average of "C" or better, as determined by the institution, in all work attempted in the curriculum upon which the degree is based.~~

~~(2) A grade of "C" or better, as determined by the institution, in each course in the respiratory care curriculum and its prerequisites.~~

~~(b) Requirements for Major: Not less than 18 semester units, or its equivalent, of study taken in single discipline or related disciplines, as required.~~

~~(c) General Education Requirements: For the Associate degree, completion of no less than 18 semester units or equivalent of general education, as required, in areas including general competencies -- reading, written expression, and mathematics; natural sciences; social and behavioral sciences; humanities; language and rationality; and health and physical education.~~

~~Note: Authority cited: Sections 3722 and 3740, Business and Professions Code. Reference cited: Section 3740, Business and Professions Code.~~

~~History: New section filed 12-11-97; operative 1-10-98 (Register 97, No. 50).~~

Repeal section 1399.333 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

~~1399.333. Educational Grade Requirements.~~

~~On and after July 1, 1997, all applicants who have graduated from an approved respiratory therapy school shall be required to have received a grade of "C" or better, as determined by the institution, in each course in the respiratory curriculum and its prerequisites. This section shall be repealed effective July 1, 2000.~~

~~Note: Authority cited: Sections 3722, 3733 and 3740, Business and Professions Code. Reference: Section 3733 and 3740, Business and Professions Code.~~

Adopt section 1399.349 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.349. Continuing Education Defined

"Continuing Education" means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, in-service education, institutes, seminars, home study, internet courses, and workshops, taken by respiratory care practitioners for licensure renewal. These learning experiences are meant to enhance the knowledge of the respiratory care practitioner in the practice of respiratory care in direct and indirect patient care. Continuing education does not include basic education or training needed to become a licensed RCP.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Amend section 1399.350 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.350. Continuing Education Required.

- (a) Each respiratory care practitioner (RCP) is required to complete 15 hours of approved continuing education (CE) every 2 years. At least two-thirds of the required CE hours shall be directly related to clinical practice.
- (b) To renew the license, each RCP shall report compliance with the CE requirement. Supporting documentation, showing evidence of compliance with each requirement under ~~Section 1399.352~~ this Article, shall be submitted ~~only~~ if requested by the board.
- (c) CE supporting documentation shall be retained by the licensee for a period of four years.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Amend section 1399.351 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.351. Approved CE Programs.

- (a) Any course or program meeting the criteria set forth in this Article ~~Section 1399.352~~ will be accepted by the board for CE credit.
- (b) Passing an official credentialing or proctored self-evaluation examination shall be approved for CE as follows:
 - ~~(1) Certified Respiratory Therapy Technician (CRTT) - 15 CE hours if not taken for licensure;~~
 - ~~(21)~~ Registered Respiratory Therapist (RRT) - 15 CE hours if not taken for licensure;
 - ~~(32)~~ Certified Pulmonary Function Technologist (CPFT) - 15 CE hours;
 - ~~(43)~~ Registered Pulmonary Function Technologist (RPFT) - 15 CE hours;
 - ~~(54)~~ Neonatal/Pediatric Respiratory Care Specialist (NPS) - 15 CE hours;
 - ~~(65)~~ Advanced Cardiac Life Support (ACLS); - number of CE hours to be designated by the provider;
 - ~~(76)~~ Neonatal Cardiac Life Support (NCLS) Resuscitation Program (NRP); - number of CE hours to be designated by the provider; and
 - ~~(87)~~ Pediatrics Advanced Life Support (PALS) - number of CE hours to be designated by the provider.
 - (8) Advanced Trauma Life Support (ATLS) - number of CE hours to be designated by the provider.
- ~~(c) A licensee cannot receive 15 CE hours for the National Board for Respiratory Care's new recertification examinations if he/she previously received CE credit for the exam, received the CRTT at the time of taking the California licensing examination, or used the CRTT/RRT exam as the basis for satisfying his/her licensing examination requirement.~~
- (c) Examinations listed in numbers 1 through 4 in subdivision (b) shall be those offered by the National Board for Respiratory Care and each successfully completed examination may be counted only once for credit.

(d) Successful completion of each examination listed in numbers 5 through 8 in subdivision (b) may be counted only once for credit and must be for the initial certification. See section 1399.352 for re-certification CE. These programs and examinations shall be provided by an approved entity listed in subdivision (h) of Section 1399.352.

~~(de)~~ The board shall have the authority to audit programs offering CE for compliance with the criteria set forth in ~~Section 1399.352~~ this Article, including the review of post-test material.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Amend section 1399.352 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.352. Criteria for Acceptability of Courses.

Acceptable courses and programs shall meet the following criteria:

(a) The content of the course or program shall be relevant to the scope of practice of respiratory care. ~~At least two-thirds of the required CE hours shall be related to clinical practice. Credit may be given for a course that is not directly related to clinical practice if~~ The content of a the course or program may also include: relates to any of the following:

- (1) Those activities relevant to specialized aspects of respiratory care, which activities include education, supervision, and management.
- (2) Health care cost containment or cost management.
- (3) Preventative health services and health promotion.
- (4) Required abuse reporting.
- (5) Other subject matter which is directed by legislation to be included in CE for licensed healing arts practitioners.
- (6) Re-certification for ACLS, NRP, PALS, and ATLS.
- (7) Review and/or preparation courses for credentialing examinations provided by the

National Board for Respiratory Care, excluding those courses for entry-level respiratory therapy certification.

(b) The faculty shall be knowledgeable in the subject matter as evidenced by:

- (1) A degree from an accredited college or university and verifiable experience in the subject matter, or
- (2) Teaching and/or clinical experience in the same or similar subject matter.

(c) Educational objectives shall be listed.

(d) The teaching methods shall be described, e.g., lecture, seminar, audio-visual, simulation.

(e) Evaluation methods shall document that the objectives have been met.

(f) Each course must be provided in accordance with this Article.

(g) Each course or provider shall hold approval from one of the entities listed in subdivision (h) from the time the course is distributed or instruction is given through the completion of the course.

(h) Each course must be provided or approved by one of the following entities. Courses that are provided by one of the following entities must be approved by the entity's president, director, or other appropriate personnel:

- 1) Any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education.
- 2) A hospital or health-care facility licensed by the California Department of Health Services.
- 3) The American Association for Respiratory Care.
- 4) The California Society for Respiratory Care (and all other state societies directly affiliated with the American Association for Respiratory Care).
- 5) The American Medical Association.
- 6) The California Medical Association.
- 7) The California Thoracic Society.
- 8) The American College of Surgeons.
- 9) The American College of Chest Physicians.
- 10) Any entity approved or accredited by the California Board of Registered Nursing or the Accreditation Council for Continuing Medical Education.

(fi) Course organizers shall maintain a record of attendance of participants, documentation of participant's completion, and evidence of course approval for four years.

(gj) All program information by providers of CE shall state: "This course meets the requirements for CE for RCPs in California."

(h k) All course providers shall provide documentation to course participants that includes participant name, RCP number, course title, course approval identifying information, number of hours of CE, date(s), and name and address of course provider.

~~(i) All course providers shall maintain documentation of participant's completion for a period of four years.~~

(l) For quarter or semester-long courses (or their equivalent) completed at any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education, an official transcript showing successful completion of the course accompanied by the catalog's course description shall fulfill the requirements in subdivisions (i), (j) and (k).

(m) The board may audit providers offering CE for compliance with the criteria set forth in this Article, including the review of post-test material.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Adopt section 1399.352.5 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.352.5 CE Hours

The board will accept hours of approved CE as follows:

(a) The number of hours designated by those entities identified in subdivision (h) of Section 1399.352 as it pertains to their own course or a course approved by them.

(b) Notwithstanding subdivision (a), one (1) academic quarter unit is equal to ten (10) CE hours and one (1) academic semester unit is equal to fifteen (15) CE hours.

(c) Providers may not grant partial credit for any CE course. Partial credit is defined as any time segment less than the total designated course duration or time period.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Amend section 1399.353 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.353. Audit and Sanctions for Noncompliance.

(a) The board shall audit a random sample of RCPs for compliance with the CE requirements.

(b) If documentation of the CE requirement is improper or inadequate, or the licensee fails to provide the requested documentation within 30 days, the license becomes inactive. The practice of respiratory care, or representation that one is an RCP, is prohibited while the license is inactive. Practice on an inactive license shall constitute grounds for appropriate disciplinary action pursuant to the B&PC.

(c) Notwithstanding subdivision (b), if the Board determines that through no fault of the licensee the CE completed does not meet the criteria set forth in this Article, the Board may grant an extension, not to exceed six months, for the licensee to complete approved CE.

~~(ed)~~ Misrepresentation of compliance shall constitute grounds for disciplinary action.

~~(de)~~ Documentation supporting compliance with CE requirements shall be available to the board upon request during the four year period following relicensure.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3740, Business and Professions Code.

Amend section 1399.356 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.356. License Status.

A licensee may request, in writing, to change the status of his/her ~~current and valid~~ license as follows:

(a) To change the status of a license from active to inactive, the licensee shall make application to the board for such a change.

(b) To change the status of a license from inactive to active, the licensee shall request such in writing, pay all current, delinquent and accrued renewal fees, and provide documentation of completion of ~~45~~ 30 hours of CE during the two-year period preceding the request for active status.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Sections 3719, 3774 and 3775.

Amend section 1399.395 of Division 13.6 of Title 16 of the California Code of Regulations as follows:

1399.395. Fee Schedule.

The following schedule of fees is hereby adopted pursuant to Sections 3775 and 3775.5 of the B&PC:

- | | |
|--|-------------------------------|
| (a) Application <u>Fee</u> | \$ 200 |
| (b) Application fee pursuant to Section 3740 (b) | \$ 250 |
| (c) Examination/Re-examination Fees. | |
| (These fees are set pursuant to subdivision (b) of B&PC section 3775.) | |
| (d) Initial license fee | \$ 200 |
| <u>(This fee is prorated based on the length of the initial license period)</u> | |
| (e) Renewal fee | |
| for licenses expiring on or after July 1, 1996 | \$ 165 |
| for licenses expiring on or after January 1, 1997 | \$ 182 |
| for licenses expiring on or after January 1, 1998 | \$ 200 |
| for licenses expiring on or after January 1, 2002 | <u>\$ 230</u> |
| (f) Delinquency fee. (This fee is set pursuant to subdivision (e) of B&PC section 3775.) | |
| (g) Inactive license fee. (This fee is set pursuant to B&PC section 3775.5.) | |
| (h) Duplicate license or wall certificate fee | \$ 75 <u>\$ 25</u> |
| (i) Endorsement fee | \$ 50 <u>\$ 75</u> |
| (j) Transcript review fee. (This fee is set pursuant to subdivision (d) of B&PC section 3775.1.) | |

Note: Authority cited: Sections 3775 and 3775.5, B&P Code. Reference: Sections 3775 and 3775.5, Business and Professions Code.